

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANDRES C. HERNANDEZ,

Plaintiff,

v.

RICHARD WEISS,

Defendant.

Case No. 2:20-cv-01006-TLN-JDP (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR AN EXTENSION OF TIME

ECF No. 30

FINDINGS AND RECOMMENDATIONS  
THAT PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT BE DENIED

ECF No. 31

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

Plaintiff has filed a motion for an extension of time, which states that he is seeking approval "to file a motion." ECF No. 30. The court has not yet issued a scheduling order setting deadlines for filing discovery and dispositive motions. Plaintiff's motion is denied as unnecessary.

Plaintiff has also filed a motion for summary judgment.<sup>1</sup> ECF No. 31. The two-page motion, which is not accompanied by supporting evidence, contains no arguments relating to plaintiff's claims. Instead, the motion recites the standard applicable to motions for summary

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<sup>1</sup> Defendant has filed an opposition to plaintiff's motion. ECF No. 32.

1 judgment and concludes that plaintiff is entitled to summary judgment. *Id.* Because plaintiff's  
2 unsupported motion does not demonstrate that he is entitled to summary judgment on his claims, I  
3 recommend that it be denied. *See Soremekun v. Thrifty Payless, Inc.*, 509 F.3d 978, 984 (9th Cir.  
4 2007) ("Where the moving party will have the burden of proof on an issue at trial, the movant  
5 must affirmatively demonstrate that no reasonable trier of fact could find other than for the  
6 moving party."); *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) ("[A] party seeking summary  
7 judgment always bears the initial responsibility of informing the district court of the basis for its  
8 motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories,  
9 and admissions on file, together with the affidavits, if any,' which it believes demonstrate the  
10 absence of a genuine issue of material fact.").

11 Accordingly, it is hereby ORDERED that plaintiff's motion for an extension of time, ECF  
12 No. 30, is denied.

13 Further, it is RECOMMENDED that plaintiff's motion for summary judgment, ECF No.  
14 31, be denied.

15 I submit these findings and recommendations to the district judge under  
16 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States  
17 District Court, Eastern District of California. The parties may, within 14 days of the service of  
18 the findings and recommendations, file written objections to the findings and recommendations  
19 with the court. Such objections should be captioned "Objections to Magistrate Judge's Findings  
20 and Recommendations." The district judge will review the findings and recommendations under  
21 28 U.S.C. § 636(b)(1)(C).

22  
23 IT IS SO ORDERED.

24 Dated: December 9, 2021

  
25 JEREMY D. PETERSON  
26 UNITED STATES MAGISTRATE JUDGE  
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